

1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 EASTERN DISTRICT OF CALIFORNIA
3

4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

CIV. NO. S-06-1515 EJG
CR. NO. S-02-0257 EJG

7 ROLAND ADAMS,

8 Defendant.

ORDER GRANTING DEFENDANT'S
MOTION TO WITHDRAW SECTION
2255 MOTION

9 /

10 Defendant has filed a motion to withdraw his pending § 2255
11 motion in the above-captioned case. The original § 2255 motion
12 was filed July 10, 2006, amended July 21, 2006, and again on
13 February 5, 2007, which motion this court held in abeyance
14 pending resolution of the appeal. Meanwhile, the conviction
15 which is the subject of the motion was affirmed in part and
16 vacated and remanded in part by the Ninth Circuit on June 29,
17 2006. Following a hearing, this court entered an amended
18 judgment July 20, 2007, from which defendant has filed an appeal.
19 Due to the pendency of the appeal, the motion to vacate, set
20 aside or correct sentence is premature. Accordingly,
21 defendant's motion to withdraw the § 2255 motion is GRANTED.

22 IT IS SO ORDERED.

23 Dated: December 20, 2007

24 /s/ Edward J. Garcia
25 EDWARD J. GARCIA, JUDGE
UNITED STATES DISTRICT COURT
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